S.B.Cr. Revision Petition No. 305/2006
(Vivek Kumar Vs. M/s New General Engineering Works & Ors.)

Date of order : 02/05/2006

HON'BLE MR.H.R.PANWAR, J.

Mr. S.Saruparia for the petitioner.

By the instant criminal revision petition, the petitioner complainant has challenged the order dated 01.02.2005 passed by Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Bhilwara (for short 'the appellate court' hereinafter) in Criminal Appeal No. 65/2004, whereby the appeal filed by the non-petitioners against the judgment and order dated 04.05.2001 passed by Judicial Magistrate No.2, Bhilwara (for short 'the trial court' hereinafter) in Criminal Case No.315/98, was partly allowed. While maintaining the conviction of the non-petitioners No. 2 and 3 for the offence under Section 138 of the Negotiable Instruments Act, 1881(for short 'the Act' hereinafter), the substantive sentence of imprisonment was set aside and sentence of fine of Rs. 5000/- each as also awarding of compensation of Rs. 50,000/- were maintained. It was further directed that on deposit of fine amount, a sum of Rs. 10,000/- be paid to the petitioner complainant.

I have heard learned counsel for the petitioner.

Perused the judgments and orders impugned passed by the appellate court as also the trial court.

The case of the petitioner is that a cheque was issued by the non-petitioners for a sum of Rs. 50,000/-, which on presentation in the Bank, was dishonoured. After the demand by a statutory notice, the non-petitioners failed to pay the cheque amount within stipulated period and therefore, a complaint was filed under Section 138 of the Act.

Both the courts below, concurrently found the non-petitioners guilty of the offence.

So far as the quantum of sentence is concerned, apart from the cheque amount which has been paid to the petitioner, by way of compensation, further a sum of Rs. 10,000/-, which was directed to be deposited by the non-petitioners as compensation, has also been directed to be paid to the petitioner. In the circumstances therefore, I do not find any error or illegality in the judgment and order impugned warranting interference in the revisional jurisdiction.

The revision petition is accordingly dismissed.

(H.R.PANWAR),J.

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